

REMARKS

A. Status of the Application

Claims 1, 3-9, and 11-13 were pending at the time of the last Office Action. Claims 1 and 13 have been amended. No claims have been cancelled or added. Therefore, claims 1, 3-9, and 11-13 remain pending.

B. Section 101 Non-Statutory Subject Matter Rejection Is Overcome

Claims 1-9 and 11-13 stand rejected under 35 U.S.C. § 101 for all allegedly being directed to non-statutory subject matter. The Examiner alleges:

While applicants' amended claim recites the step of "outputting", not all methods of "output" provide for a tangible result. For example, "output" to carrier waves do not produce tangible output. Since at least one embodiment of applicants' claims is non-statutory, the claims are directed to non-statutory subject matter.

Office Action at 4. (citations and internal quotes omitted). However, the Examiner instructs that the rejection can be overcome by amending the "outputting" limitation:

This rejection could be overcome by amendment of the claims to recite that a result of the method is outputted to a display or a memory or another computer on a network, or to a user, or by including a physical transformation.

Id.

Applicants do not acquiesce to the Examiner's rationale for the rejection. However, in the interest of gaining expeditious allowance of the pending claims, the "outputting" limitations of the claims have been amended as suggested by the examiner to recite that the result of the method is output to a display. Particularly, independent claims 1 and 13 have been amended to recite "outputting a result of the classification to a display." The amended limitation is disclosed in the originally filed application. *See* Application at [0025] and FIG. 4.

C. The Originally Filed Application Discloses the Amended Claims

The claim amendments were presented to the Examiner in Applicants' response submitted August 24, 2007. In the Advisory Action mailed September 17, 2007, the Examiner stated:

The amendments of claims 1 and 13 introduce matter that was not described in the disclosure at the time of filing. Specifically, claim 1 and 13 recite the limitation of an “outputting a result of the classification to a display”.

Advisory Action at 2.

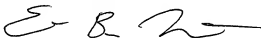
Applicants respectfully submit that FIG. 4 of the originally filed application discloses outputting a result of the classification to a display. Accordingly, the application as originally filed discloses the amended claims and the rejection should be withdrawn.

CONCLUSION

Applicants believe that these remarks fully respond to all outstanding matters for this application. Applicants respectfully request that the rejections of claims 1, 3-9, and 11-13 be withdrawn so the claims may swiftly pass to issuance.

Should the Examiner desire to sustain any of the rejections discussed in this Response, the courtesy of a telephone conference between the Examiner, the Examiner's supervisor, and the undersigned agent at 512-536-3027 is respectfully requested in advance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E B Min', with a long horizontal flourish extending to the right.

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